

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STARSHA M. SEWELL,)
)
)
Plaintiff,)
)
)
vs.) Case No. 4:10CV00875 AGF
)
)
VATTEROTT EDUCATIONAL CENTERS,)
INC.,)
)
)
Defendant.)

MEMORANDUM AND ORDER

This is a civil action for employment discrimination on the basis of race, color, and gender, in violation of Title VII of the Civil Rights Act of 1964 (“Title VII”) and 42 U.S.C. §§ 2000e, *et seq.*, retaliation, and breach of contract. The action was filed on May 13, 2010. On July 2, 2010, Defendant Vatterott Educational Centers, Inc. filed a motion to dismiss Plaintiff’s complaint, or in the alternative, for more definite statement [#8]. Defendant argues that Plaintiff’s complaint fails to state a claim under Title VII and 42 U.S.C. § 2000e because she has failed to allege a *prima facie* case of discrimination under McDonnell Douglas v. Green, 411 U.S. 792, 802-804 (1973), and that her complaint fails to allege a *prima facie* case of retaliation.

On July 22, 2010, Plaintiff filed her memorandum in opposition to Defendant’s motion to dismiss [#13]. Upon review of Plaintiff’s memorandum, it appears that Plaintiff has alleged additional facts and additional claims for relief that were not in Plaintiff’s original complaint.

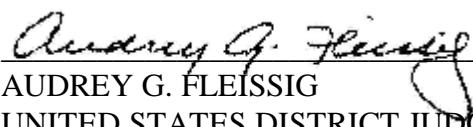
The United States Court of Appeals for the Eighth Circuit has held that courts are to give *pro se* litigants more latitude than represented parties. See Wishnatsky v. Rovner, 433 F.3d 608, 610 (8th Cir. 2006). Because Plaintiff is a *pro se* party, this Court will grant Plaintiff the latitude to present her new allegations in an amended complaint. This amended complaint must contain

clear statements of Plaintiff's claims, with separate counts for each separate claim. Additionally, all allegations must be presented in separately numbered paragraphs.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss [#8] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that Plaintiff shall have leave to file an amended complaint, no later than **Tuesday, September 7, 2010.**


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 17th day of August, 2010.